HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal (c) No.440 of 2007

Appellant (Insurer)	The New India Assurance Company Limited, Through the Divisional Manager, The New India Assurance Company Limited, Second Floor, Rama Trade Centre, Bus Stand Road, Bilaspur, (Chhattisgarh)

versus

Respondents	
(Owner)	1. Anant Kumar Dewangan S/o Shri D.R. Dewangan, Age unknown, R/o Quarter No.121/D, Resali Sector-Bhilai, P.S. Navai, District Durg (Chhattisgarh)
(Driver)	2. Umesh Kumar Verma, S/o Shri G.P.Verma, Age unknown, R/o Quarter No.80/D, Resali Sector-Bhilai, P.S. Navai, District Durg (Chhattisgarh)
(Claimants)	3. Smt. Rajkumari Pandey, W/o Shri Harishankar Pandey, Age 38 years, R/o House No.15/5, Vasundhara Nagar, Bhilai-3, District Durg (Chhattisgarh)
	4. Harishankar Pandey S/o Hridaynarayan Pandey, Age 40 years, R/o Laxminagar, Near Pond, Supela, Bhilai, District Durg (Chhattisgarh)

Miscellaneous Appeal under Section 173 of Motor Vehicle Act, 1988

Present : Shri Sourabh Sharma, counsel for the appellant.
Shri P. R. Patankar, counsel for respondent No.1/owner.
No one appears on behalf of other respondents.

ORAL ORDER
(Passed on 30th November, 2007)

Heard.

(34)

Amendment incorporated in view of Hon'ble Court's Order dtd 7.12.07 passed in M.C.C. 542/07
Vijale 11.12.07
A.R.(J.)

(2) Shri Sourabh Sharma, learned counsel for the appellant and Shri P. R. Patankar, learned counsel for respondent No.1/owner submitted that in view of the judgment dated 14-11-2007 passed by the Apex Court in **Civil Appeal No.5209 of 2007 (The Oriental Insurance Company Limited vs. Smt. Rajkumari and Others)**, ~~an amicable settlement has been arrived at between the parties whereunder~~ the liability of the appellant/insurance company be restricted to Rs.50,000/- only and the remaining amount of compensation shall be paid by the respondent No.1/owner within three months from today. Learned counsel for the parties further pray that the appeal be disposed of on the above terms.

(3) Accordingly, the award passed by the Motor Accidents Claims Tribunal is modified. The appellant/insurance company shall be liable to pay compensation to the extent of Rs.50,000/- only and the remaining amount of compensation shall be paid by the respondent No.1/owner within three months from today, failing which, the respondent No.1/owner shall also be liable to pay interest @8% per annum from the date of application till realization. No order as to cost.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane